15th Election District 7th Councilmanic District

Richard Staszak, et ux Petitioners FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve the nonconforming use of the subject property as a tavern in accordance with that set forth on Petitioner's Exhibit 1.

\* ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* Case No. 89-330-SPH

The Petitioners, by Richard Staszak, appeared, testified, and was represented by Trent L. Seawell, Esquire. Also appearing on behalf of the Petition was Tony Narutowicz, a resident of the area, and Al Erdi, Professional Engineer. There were no Protestants.

Testimony indicated that the subject property, known as 2311 Sparrows Point Road, consists of 1.62 acres zoned R.O. and is improved with a two story frame building and one story accessory structure. The second floor of the principal building is utilized for residential purposes, while the lower level is used as a tavern, presently known as the Full House Tavern. The one story frame structure is currently used for carryout pit beef. Mr. Narutowicz testified that he has personal recollection  $\overset{\smile}{\mathbf{O}}\overset{\smile}{\mathbf{O}}\overset{\smile}{\mathbf{O}}\overset{\smile}{\mathbf{O}}$  that the principle building has been used as a tavern since approximately 1940, when it was then known as the M & M Cafe, and to the best of his knowledge, the site has been used continuously and without interruption as a tavern through the present. He also testified that the tavern and accessory building have remained the same in size and nature since 1940. In further support of their position, Petitioners submitted as Petitioner's

> forming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered non-conforming. See McKemy v. Baltimore County, Md., 39 Md. App.257, 385 A2d. 96 (1978).

> The uncontradicted testimony indicated that the subject property has undergone no significant changes in either use or physical characteristics since approximately 1940.

> When the claimed non-conforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the non-conforming use, the Zoning Commissioner should consider the following factors:

> > "(a) To what extent does the current use of these lots reflect the nature and purpose of the original non-conforming use;

(b) Is the current use merely a different manner of utilizing the original non-conforming use or does it constitute a use different in character, nature, and kind;

(c) Does the current use have a substantially different effect upon the neighborhood;

(d) Is the current use a "drastic enlargement or extension" of the original non-conforming use." McKemy v. Baltimore County, Md., Supra.

It is clear from the testimony and evidence presented, all of which was uncontradicted, the subject property has been used as a tavern continuously and without interruption since prior to the adoption of the B.C.Z.R. on January 1, 1945. The testimony clearly established that there has never been a lapse in such use and that the subject site has been utilized as a tavern since at least 1940 and that a nonconforming use of the subject property exists.

Exhibits 2 and 3, two statements from residents of the area, namely Violet Wray and Stanley Opszentkoski, indicating the nonconforming use of the property as a tavern has existed since prior to 1943.

Petitioner's Exhibit 4 reflects the proposed construction of an additional two-story building on the site. As Petitioner has not formally requested a ruling on this proposal via an appropriate Petition, the Zoning Commissioner will not address this issue at this time. However, it will suffice it to say for purposes of this Opinion that Petitioner's proposal, as reflected in Petitioner's Exhibit 4, far exceeds the 25% expansion afforded nonconforming uses and is therefore violative of Section 104.1 of the Baltimore County Zoning Regulations (B.C.Z.R.).

Zoning came officially to Baltimore County on January 2, 1945, when, pursuant to previous authorization by the General Assembly, the County Commissioners adopted a comprehensive set of zoning regulations.

The Commissioners were first authorized to adopt comprehensive planning and zoning regulations in 1939 (Laws of Maryland, 1939, ch. 715). At the next biennial session of the General Assembly, this authorization was repealed, and a new authorization was enacted (Laws of Md., 1941, ch. 247). Before any such regulations were issued, the Legislature authorized the Commissioners to make special exceptions to the regulations (Laws of Md., 1943, ch. 877). The first regulations were adopted and took effect on January 2, 1945. See Kahl v. Cons. Gas Elec. Light. and Pwr. Co., 191 Md. 249, 254, 60 A.2d 754 (1948); Calhoun v. County Board of Appeals, 262 Md. 265, 277 A.2d 589 (1971).

Section II of those regulations created seven zones, four being residential, one commercial, and two industrial. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A.2d 96 (1978).

Those original regulations provided for nonconforming uses. The

statute read as follows:

"A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue, provided, however, upon any change from such nonconforming use to a conforming use, or any attempt to change from such nonconforming use to a different nonconforming use or any discontinuance of such nonconforming use for a period of one year, or in case a nonconforming structure shall be damaged by fire or otherwise to the extent of seventy-five (75%) percent of its value, the right to continue to resume such nonconforming use shall terminate, provided, however, that any such lawful nonconforming use may be extended or enlarged to an extent not more than once again the area of the land used in the original nonconforming use." Section XI, 1945, B.C.Z.R.

Baltimore County adopted a new set of comprehensive zoning regu-

lations on March 30, 1955. The issue of nonconforming uses are dealt with in Section 104 of those regulations. The Section them read:

"104.1 - A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel or land shall hereafter be extended more than 25% of the ground floor area of buildings so used."

Section 104.1 was changed to its current language on March 15,

1976 by Bill No. 18-76. The current effective regulation reads as follows:

"A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these Regulations; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall termimate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel of land shall hereafter be extended more than 25% of the ground floor area of buildings so used. (B.C.Z.R., 1955; Bill No. 18, 1976)"

On August 4, 1980, the current language found in Section 104.2 was added to the B.C.Z.R. by Bill No. 167-80. This regulation placed an exception upon the general nonconforming rule for Special Exception office buildings. The second reads as follows:

> "Exception. Any contrary provision of these regulations notwithstanding, an office building that was authorized by grant of a special exception and that becomes damaged to any extent or destroyed by casualty may be fully restored in accordance with the terms of the special exception. (Bill No. 167, 1980)"

As with all non-conforming use cases, the first task is to determine what lawful non-conforming use existed on the subject property prior to January 2, 1945, the effective date of the adoption of the Zoning Regulations and the controlling date for the beginning of zoning.

It is clear from the testimony that the subject site has been used as a combination tavern/residential dwelling from at least 1940  $\mathfrak{I}_{ ext{through}}$  the present. Testimony also indicated that the existing structures (main building and accessory structure) have remained essentially unchanged during this period, utilizing that portion of Lot 1 (see Petitioner's Exhibit 1) which extends from Sparrows Point Road approximately 16 feet to the south of the aforementioned accessory structure.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the non-con-

PETITION FOR SPECIAL HEARING

The undersigned, legal owner(s) of the property situate in Boltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whe-

ther or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Nonconforming use of 2311 Sparrows Point Road as a Tavern.

Pursuant to the advertisement, posting of the property, and

THEREFORE, IT IS C ERED by the Zoning Commissioner for

public hearing on this Petition held, and for the reasons given above, the

Baltimore County this day of June, 1989 that the Petition for Spe-

cial Hearing to approve the nonconforming use of the subject property as a

tavern as set forth in Petitioner's Exhibit 1, be and is hereby GRANTED,

subject, however, to the following restrictions which are conditions

1) The Petitioners shall submit a new site plan of

the principal building which clearly outlines the

areas used as tavern space and those areas used as

living quarters, including the size and dimensions for

2) The Petitioner shall limit parking on the subject site to the existing areas in the R.O. zone, but shall

not permit said parking to extend any further south-

ward than the rear wall of the existing accessory

The existing accessory structure shall be includ-

ed and accounted for in any calculations relative to

Section 104.1 of the B.C.Z.R. regarding expansion of

the nonconforming use at issue in this matter.

Commissioner prior to July 20, 1989.

each. Said plan shall be submitted to the Zoning

relief requested in the Petition for Special Hearing should be granted.

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

Trent Seawell, Esquire 7902 Belair Road Baltimore, Maryland 21236

RE: PETITION FOR SPECIAL HEARING S/S Sparrows Point Road, 215' W of the c/l of Masseth Road (2311 Sparrows Point Road) 15th Election District - 7th Councilmanic District Richard Staszak, et ux - Petitioners Case No. 89-330-SPH

Dear Mr. Seawell:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

June 22, 1989

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

> J. ROBERT HAINES /Zoning Commissioner

> > for Baltimore County

JRH:bjs

cc: People's Counsel File

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restriction. tions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County. Dennis F. Rasmussen

I/We do solemnly declare and affirm under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Contract Purchaser: Kichard Htm3ak (Type or Print Name) (Type or Print Name) .\_Catherine Staszak ..... 523,730 City and State E 44,840 Attorney for Petitioner: 2311 Sparrows Point Rd., Baltimore, Md. Trent Seawell ----21219 (Type or Print Name) 477 2590 City and State Name, address and phone number of legal mode xxxxx KNIKONOKINE representative to be contacted 7902 Bel Air Rd., Baltimore, Md. Al Erdi, P.E. City and State P.O.Box: 10055, Towson, Md. 21285-0055. Attorney's Telephone No.: 665 0360 592 5153 ORDERED By The Zoring Commissioner of Baltimore County, this \_\_\_\_\_\_6tt\_\_\_day required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-

out Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 21st day of Jet 1989, at 10:30 o'clock

JRH:bjs

precednet to the relief granted:

structure.

- 6-

Zoning Commissioner

for Baltimore County

Property is to be posted and advertised as prescribed by Zoning Regulations.

CRITICAL AREA

Description

Beginning at a point ( the South side of Sparrows Point Road, 215.00 fest West from the point of intersection with the centerline of Masseth Avenue, and running Southeasterly, the following bearings and distances:

South 00°10' 20" East, 624.16 feet; South 63 16' 40" West, 13.67 feet; North 77 52' 23" West, 104.12 feet; North 00 ° 10' 20" West, 605.00 feet to a point on the South side of Sparrows Point Road; thence running Northeasterly binding ona line along the South side of Sparrows Point Road,

North 88 16' 40" East, 114.00 feet to the point of beginning, enclosing 1.62 Acre, Lot #1, Parcel: 400, Liber: 51, Folio: 3, Map: 111, otherwise known as 2311 Sparrows Point Road, in the 15 th Election District.



AL ERDI, P.E. STRUCTURAL - CIVIL CONSULTANT P. O. BOX 10055, TOWSON, MD. 21204 (301) 592 5153

19 June, 1989

Mr. J. Robert Haines, Zoning Commissioner-Baltimore County.

Petition for Special Hearing, Case Number:#89-330-SPH SS Sparrows Point Rd., 215 W c/l Masseth Rd. 2311 Sparrows Point Rd., E.D.: 15 7 th Councilmanic. Petitioner: Richard Staszak.

Please find enclosed the existing floor plans you have requested for Full House Tavern. If you have any questions, please advise.

Very truly yours,

Al Erdi ,P.E.

c: Mr. R. Staszak c: File AE/re.

Baltimore County Zoning Commissione Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

December 6, 1989



Richard Staszak 2311 Sparrows Point Rd. Baltimore, Maryland 21219

> Expansion & Class B Office Bldg. 2311 Sparrows Point Rd. RE: Zoning Use 15th Election District

Dear Mr. Staszak:

From the floor plan drawing which you submitted, it is difficult to answer your questions. A scaled and dimensioned site plan would be more appropriate. The location of the pit beef structure (-55' south of existing structure on Petitioner's Exhibit #1) appears to differ with this floor plan. A Class B Office Building is permitted in a Residential-Office (RO) zone by Special Exception only. Enclosed are the self-explanatory forms to file the petition.

If you have any questions, please do not hesitate to call me at 887-3391.

Very truly yours,

// JAMES E. DYER BY: John J. Sullivan, Jr.
Planning & Zoning Associate, III

jjs:jat cc: File Liste Steerzeit : Witness

To Whom IT MAY COWCERN,

I hereby verify that

2311 Sparrows Point Road, 1000

tiending as the Full House

SAloon, has existed he A

travern prior to 1943 and

has done so to date.

PETITIONER'S EXHIBIT 2

Stundey a Opozent Roski 2328 Spanows Pt. Rd. Bult, Md. 21219

Fee 21,1989.

Feb. 21,1989. to. Whom It MAY Concern,

I HEREBY VERIFY that 2311 Sparrows Point Road, now trading He the Full House SALOON, has been a tavern prior to 1943 And has traded AS A TAVERN ESTABLISHMENT to date. Jour Hirat Wray 2402 Estelle ane, 21219

PETITIONER'S
EXHIBIT Z

Live Staszak

: Witness

\$9-330SFH

PLEASE PRINT CLEARLY

2311 SPHEREWS POINT RD. MR. B. STASTAK P. a. Box 10055 Mr. Erdi

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

District 1574 Date of Posting 3719/89 Posted for Special Hearing Petitioner: Michard STASTAK, of up Location of property: 5/5 Spanow 11. Rd 215' W/ Massatt Rd 2311 Sponce PT. R.J Location of Signe: Focing SP. Pl. Pd., opposes, 30' Fr. 400 dury Posted by DATSkales Date of return: 5/36/89

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines

Mr. & Mrs. Richard Staszak 2311 Sparrows Point Road Baltimore, Maryland 21219

Re: Petition for Special Hearing CASE NUMBER: 89-330-SPH SS Sparrows Point Road, 215' W c/l Masseth Road 2311 Sparrows Point Road 15th Election District - 7th Councilmanic Petitioner(s): Richard Staszak, et ux

Please be advised that 109.43 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before BALTIMORS

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

end post set(s), there or each set not

Dennis F. Rasmussen County Executive

COUNT R-01-615-000 158,

TRENT L. SEAWELL ATTORNEY AT LAW 7902 BELAIR ROAD BALTIMORE, MARYLAND 21236 (301) 665-0360 March 21, 1989

1. 1989

Baltimore County Zoning Commission Office of Planning and Zoning Towson, Maryland 21204

Attn: J. Robert Haines Zoning Commissioner

Re: Petition for Special Hearing Case No: 89-330-SPH
Mr. and Mrs. Richard Staszak
2311 Sparrows Point Road

Dear Mr. Haines:

The above captioned matter was previously scheduled for a hearing on February 21, 1989; not only did I not appear on behalf of my clients, they came to the hearing without proper documentation as to the nonconforming use. I apologize for wasting your time and that of your staff.

I am now given to understand that Mr. and Mrs. Staszak have the necessary documentation, therefore, I respectfully request that you reschedule a hearing in regard to this matter.

Very truly yours, Trent & Search

TLS:dds

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

March 22, 1989

Dennis F. Rasmussen
County Executive

Mrs. Catherine Staszak 2311 Sparrows Point Road Baltimore, Maryland 21219

> RE: Case 89-330 SPH Richard Staszak and wife Petition for Special Hearing

Dear Mrs. Staszak:

I have attempted to return your phone call on several occasions, but have been unsuccessful. I understand from the message I received that you have secured witnesses you believe are necessary to establish

As you will recall, I have continued this matter in order to allow you time to obtain these additional witnesses and, I will have the case rescheduled for hearing now that you are prepared. You will receive notification of the hearing date through the ordinary mail and a new sign will be posted on the property.

Thank you for your time and cooperation.

Very truly yours, Zoning Commissioner

Date:  $\frac{2}{7}/\sqrt{9}$ 

Dennis F. Rasmussen

JRH:mmn

Baltimore County

494-3353

J. Robert Haines

Zoning Commissioner

Office of Planning & Zoning Towson, Maryland 21204

Mr. & Mrs. Richard Staszak 231 Sparrows Point Road

Baltimore, Maryland 21219

Dear Mr. & Mrs. Staszak:

returned.

Re: Petition for Special Hearing

Case Number: 89-330-SPH

2311 Sparrows Point Road

your hearing is scheduled to begin.

SS Sparrows Point Road, 215' W c/l Masseth Road

Hearing Scheduled: Tuesday, February 21, 1989 at 10:30 a.m.

Please be advised that 94.43 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the rign(s) and post(s) to the Zoning Office, County Office

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not

Very truly yours,

J. ROBERT HAINES

Baltimore County

Robert Haines

Zoning Commissioner of

Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before

Do not remove the sign and post set(s) from the property from the time

it is posted by this office until the day of the hearing itself.

15th Election District - 7th Councilmanic

Petitioner(s): Richard Staszak, et ux

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 J. Robert Haines



Dennis F. Rasmussen

February 23, 1989

7902 Belair Road Baltimore, Maryland 21236 RE: Petition for Special Hearing Mr. and Mrs. Richard Staszak

> 2311 Sparrows Point Road Case #89-330-SPH

Dear Mr. Seawell:

Trent Seawell, Esquire

Early this morning I conducted a hearing regarding the above captioned matter, pursuant to the authority granted to the Zoning Commissioner of Baltimore County to determine a nonconforming use. According to the Petitioners, Mr. and Mrs. Staszak, they are represented by you in this matter and you were unable to attend the hearing. I had no prior knowledge of your problem.

I held this matter over to allow the Petitioners time to provide additional evidence to establish their case. If I did not hold this matter under advisement, I would have been forced to deny the Petition in light of the incomplete case presented. There simply was not enough evidence provided to meet the burden of going forward.

I have explained to your clients that if I do not receive additional substantial evidence establishing the prerequisites of a nonconforming use and further satisfy the requirements set forth in McKemy v. Baltimore County, Maryland 39 Md. App 257, 385 A2d 96 (1978), I will have no choice but to deny the relief requested.

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines

January 18, 1989

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing CASE NUMBER: 89-330-SPH 55 Sparrows Point Road, 215' W c/l Masseth Road 2311 Sparrows Point Road 15th Election District - 7th Councilmanic Petitioner(s): Richard Staszak, et ux Hearing Scheduled: Tuesday, February 21, 1989 at 10:30 a.m.

Special Hearing: Nonconforming use of 2311 Sparrows Point Road as a Tayern.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however. entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County

Trent Seawell, Esq.

cc: Richard Staszak, et ux Trent Seawell, Esq. Chesapeake Criticial Area Commission

Trent Seawell, Esquire page 2....

According to the information provided during the hearing, Mr. Opozentkoski is unavailable to give oral testimony because of a broken hip. Therefore, pursuant to Zoning Commissioner's Rule IV (B), I will accept written evidence to further substantiate a factual basis for this possible nonconforming use. I will accept written evidence, in deposition format from Mr. Opozentkoski, if provided, or or before March 15, 1989.

Thank you for your time and cooperation.

Zoning Commissioner

cc: Mr.and Mrs. Richard Staszak 2311 Sparrows Point Road Baltimore, Md. 21219

cc: Mr. Al Erdi, P.E. P.O. Box 10055 Towson, Maryland 21285-0055

ZONING DEPARTMENT OF BALTIMORE COUNTY 79-330-574

District 15 Zh Posted for: Spire 16 Healing Petitioner: Sichord Staszet, Jux Location of property: 5/3 Starow H. R.J. 1157 W/ Mass-Th Rd. 7311 570 mow 11.Rx Location of Signs: Focising Sporren FIRS, oppose, 30 Fr. You duly or from forty of foliation or

Remarks: Number of Signe:

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

Attorney Trent Servell Esquire

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this

NOTICE OF HEARING Baltimore County, by authority the Zoning Act and Regulation of Baltimore County will hold public hearing on the proper identified herein in Room 106 the County Office Building, cated at 111 W Chesapeake enue in Towson, Maryland 2120 Case number: 89-330-SPH
SS Sparrows Point Road
215' W c/l Masseth Road
2311 Sparrows Point Road
15th Election District 7th Councilmanic . Hearing Date: Tuesday, Feb. 21, 1989 at 10:30 s.m. Special Hearing: Non-cot forming use of 2311 Sparrow Point Road as a Tavern.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the data of the hearing set above or

terem on Room 106 of the County

Office Building, located at 111 W

Police le Special Hearing

SS Sportest Point Road,

CASE NUMBER: 85-130-5PH

SS Sparrott
215" M c/1 Mounth Band
2311 Sparrott, Point Stad
15th Election Debrick
7th Councilmanic Nightick
The Councilmanic Nightick
Statesh

Petriumerist Richard Statzak, et as

HEARING SCHEDULED: TUESDAY,

FEJRUARY 21, 1989 at 10:30 a.m.

in the event that this Petriton k

granted, a building permit may be issued within the thirty (30) day ap-

peal period. The Zoring Commission.

er will, however, entertain any re-

quest for a stay of the issuance of said permit during this period for

must be in writing and received in

this office by the date of the hear-

ing set above or presented at the

L ROBERT HAINES

THE JEFFERSONIAN,

February 2., 1987.

CERTIFICATE OF PUBLICATION

Dundalk Eagle

THIS IS TO CERTIFY, that the annexed advertisement of

Robert Haines in the matter of Zoning Hrgs. Case

89-330-SPH - P.O. #09043 - Req. \*M25218 - 84 lines

the same was inserted in the issues of Feruary 2, 1989

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 3 ....., 1989

THIS IS TO CERTIFY, that the annexed advertisement was

sublished in THE JEFFERSONIAN, a weekly newspaper printed

and published in Towson, Baltimore County, Md., appearing on

Kimbel Publication, Inc.

\$ was inserted in The Dundalk Eagle a weekly news-

paper published in Baltimore County, Maryland, once a week

February 3,

successive/weeks before the

1989; that is to say,

4 N. Center Place

Dundalk, Md. 21222

3rd day of February

P. O. Box 8936

PO 09602 neg M 25217 co 89-330-SPH

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLOG. 111 W. Chesapeake Ave. Towson, Maryland 21204

7902 Belair Road Baltimore, MD 21236

J. ROBERT HAINES

Burcau of Department of Traffic Engineering State Roads Commission

Bureau of Fire Prevention Health Department Project Planning Building Department Board of Education

Zoning Administration

Petitioner Richard Stassak, et ux Received by:

Received by:

Chairman, Zoning Plans
Advisory Committee

Industrial

February 6, 1989

RE: Item No. 215, Case No. 89-330-SPH Petitioner: Richard Staszak, et ux Petition for Special Hearing

Dear Mr. Seawell:

Trent Seawell, Esquire

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Zoning Plans Advisory Committee

JED:jw Enclosures

cc: Mr. Al Erdi, P.E. P.O. Box 10055 Towson, MD 21285

SS Sparrows Point Road 215' W of centerline of Masseth Road #2311 Sparrows Point Road

DISTRICT:

HIGHWAY COMMENTS:

Sparrows Point Road is an existing road which shall ultimately be improved as a 40-foot street cross section on a 60-foot right-of-way.

STORM DRAIN COMMENTS:

The Developer must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Developer.

WATER AND SANITARY SEWER COMMENTS:

Public water and sanitary sewer exist in Sparrows Point Road and are available for service to this site.

December 29, 1988

Location: SS Sparrows Pt. Rd., 215' W of c/l of Masseth Road County Executive

Pursuant to your request, the referenced property has been surveyed by this

Bureau and the comments below marked with an "X" are applicable and required

( ) 1. Fire hydrants for the referenced property are required and shall be

( ) 3. The vehicle dead end condition shown at \_\_\_\_\_

( ) 4. The site shall be made to comply with all applicable parts of the

(x ) 5. The buildings and structures existing or proposed on the site shall

EXCEEDS the maximum allowed by the Fire Department.

located at intervals or \_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Depart-

Fire Prevention Code prior to occupancy or beginning of operation.

comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition

to be corrected or incorporated into the final plans for the property.

( ) 2. A second means of vehicle access is required for the site.

( ) 7. The Fire Prevention Bureau has no comments at this time.

Zoning Agenda: Meeting of 12/13/88

Robert W. Bowling, P.E., Chief Developers Engineering Division

RWB:DFM:pab

cc: File

STASZAK/TXTMEMO9

J. Robert Haines, Zoning Commissioner

Re: Property Owner: Richard Staszak, et ux (Critical)

2311 Sparrows Pt. Road

ment of Public Works.

prior to occupancy.

( ) 6. Site plans are approved, as drawn.

Office of Planning & Zoning Baltimore County Office Building

Trwson, Maryland 21204

Item No.: 215

Gentlemen:

Baltimore County Fire Department

494-4500

Paul H. Reincke

Towson, Maryland 21204-2586

Maryland Department of Transportation State Highway Administration

Richard H. Trainor Secretary Hai Kassoff Administrator

December 19, 1988

Re: Baltimore County Mr. J. Robert Haines Richard Staszak Property Zoning Commissioner Full Fouse Saloon County Office Building Zoning meeting 12/13/88 Towson, Maryland 21204 S/S Sparrows Point Road Att: James Dyer MD 718 215' west of Masseth Road Item #215

Dear Mr Haines:

After reviewing the submittal for a special hearing to approve nonconforming use of 2311 Sparrows Point Road as a tavern, we have the following recommendation.

We recommend the frontage of this property be channelized with concrete curb and gutter and the construction of a 25' entrance for the purpose of safe ingress and egress.

If you have any questions, call Larry Brocato (333-1350).

Very truly yours,

- creston J. Mills, Jr. Chief Bureau of Engineering Acces Permits

LB/es

ce; Mr. Al Erdi, P.E. Mr. J. Ogle

DEC 21 ....

ZUNING OFFICE

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (301) 887-3554

January 17, 1989



Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 35, 200 (215), 232, 233, 234, and 235.

Traffic Engineer Associate Il

My telephone number is (301) \_\_\_\_333-1350 \_\_\_\_\_ Teletypewriter for impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free 707 North Calvert St., Baltimore, Maryland 21203-0717

BATIMORE COUNTY, MARTAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines TO Zoning Commissioner

February 13, 1989

Pat Keller, Deputy Director FROM Planning and Zoning

Richard Staszak SUBJECT Zoning Petition No. 89-330-SPH

The office of Planning and Zoning is not opposed to the above project. The Police Department, however, should be contacted to determine if use has generated impact on the community.

Also, a landscape plan, including streetscape shall be reviewed and approved by the County Landscape Planner.

PK/sf

ZONING OFFICE

CC Trent Seawell 2/14/89

BALTIMORE COUNTY, MARYLAND

DATE: January 6, 1989 TO: Mr. J. Robert Haines Zoning Commissioner

INTER-OFFICE CORRESPONDENCE

FROM: Mr. Robert W. Sheesley

construction is proposed.

SUBJECT: 2311 Sparrows Point Road Request for Special Hearing Item #215 to establish non-conforming use

ZONING OFFICE

The subject property is located at 2311 Sparrows Point Road in Sparrows Point along Jones Creek. The site is within the Chesapeake Bay

Critical Area and is classified as Limited Development Area. The applicant has requested a Special Hearing to establish nonconforming use of an existing tavern and carry-out pit beef service. No

The existing structures on the site are a 1,145 square foot 2-story tavern, a 395 square foot pit beef stand, and 34 parking spaces. The parking lot extends the width of the lot, 114 feet, and approximately 180 feet from Sparrows Point Road.

In reference to non-conforming use, the Chesapeake Bay Critical Area Criteria states:

"After program approval, local jurisdictions shall permit the continuation, but not necessarily the intensification or expansion,

of any use in existence on the date of program approval, unless the use has been abandoned for more than one year or is otherwise restricted by existing local ordinances." <COMAR 14.15.02.07 A> In accordance with the above Criteria and Baltimore County Zoning

Regulations (1955, Bill No. 18-76, Section 104.1), the above use is permitted to continue if deemed a non-conforming use by the Baltimore County Zoning Commissioner.

In the future if an expansion of use is proposed that exceeds 25% of the ground floor so used, the Department shall request a Critical Area findings plan that addresses Chesapeake Bay Critical Area require-

BALTIMORE COUNTY DEFARTMENT OF ENVIRONMENTAL PROJECTION AND RESCURCE MANAGEMENT

Zoning Item # 215, Zoning Advisory Committee Meating of December 12 1777

Property Conner: Richard Stoszak et ux

Location: 3.311 Spicious Scient Read District 15

Water Supply metro Sawage Disposal metro

Prior to approval of a Building Permit for construction, removation and/or installation of equipment

for any existing or proposed food pervice facility, complete plans and specifications must be

) Frior to new installation/a of fuel burning equipment, the owner shall contact the Eurapu of Air

( ) A permit to construct from the Bureau of Air Quality Management is required for such items as

( ) A permit to construct from the Bureau of Air Quality Management is required for any coarbinites

( ) Prior to approval of a Building Permit Application for renovations to emissing or construction

( ) Prior to any new construction or substantial alteration of public swimming pool, wading pool,

( ) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County

( ) If lubrication work and oil changes are parformed at this location, the method providing for the

elimination of waste oil must be in accordance with the State Department of the Environment.

( ) Prior to razing of existing structure/s, petitioner must contact the Division of Wasta Management

( ) Any abandoned underground atorage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfulled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3768.

( ) Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimure

( ) Prior to occupancy approval, the potability of the water supply must be verified by collaborion

( ) If submission of plans to the County Review Group is required, a Hydrogeological Study and Environmental Effects Report must be submitted.

( ) shall be valid until ( ) is not acceptable and must be retested. This must be accomplished prior to conveyance

( ) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test

operation which has a total cooking surface area of five (5) square feet or more.

equipment or process which exhausts into the atmosphere.

( ) Soil percolation tests, have been \_\_\_\_, must be \_\_\_\_, conducted.

Water and Sewer to determine whether additional cests are required.

of property and approval of Building Permit Applications.

submitted to the Plans Review Section, Bureau of Regional Community Services, for fivel ravius

Frior to new installation/s of idea nurrang equipment, the owner shall contact the nurren of Alf-Cuslity Management, 434-3775, to obtain requirements for such installation/s before work beging.

spray paint processes, underground gasoline storage tank/s (5,000 Zellons or more) and any other

of new health care facilities, complete plans and specifications of the building, food pervice area and type of equipment to be used for the food service operation must be authorited to the

Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of

bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances

partnouse, saunas, whiripgois, not tube, water and agreeage rectifies of other apparatumning pertaining to health and safety; two (2) copies of plans and specifications must be submitted

to the Baltimore County Department of Environmental Protection and Resource Management for Tavies

and approval. For more complete information, contact the Recreational Eygiane Section, Euresu

regulations. For more complete information, contact the Division of Material and Child Health.

et 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid vastes.

Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-2775.

) The results are valid until
) Soil percolation test results have expired. Petitioner should contact the Division of

Zoning Commissioner

County Office Building

Towson, Maryland 21204

Office of Flanning and Coming

WATER QUALITY AND RESOURCE

Mr. J. Robert Haines January 6, 1989

Please contact Mr. David C. Flowers at 887-3980 if you have any

Robert W. Sheesley, Director Department of Environmental Protection and Resource Management

RWS:KLC:tjg

tice 1 0/07

cc: The Honorable Ronald B. Hickernell

PEVIEWER: Cyt Jeeff Kellg 17.3454 APPROVED:
Playing Group
Fi.
Special Inspection Division /j1

CPS-008





